

ORDINANCE NO. 4344**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING SECTIONS 62-200 OF CHAPTERS 62, ALSO KNOWN AS THE CODE OF THE CITY OF POMONA, REGULATING BACKFLOW PREVENTION DEVICES AND ADOPTING THE CROSS CONNECTION CONTROL POLICY HANDBOOK.**

WHEREAS, the California State Water Resources Control Board (SWRCB) requires the City to regulate compliance with sections 7583 through 7605, California Code of Regulations, Title 17;

WHEREAS, Section 62-200 of Chapter 62, Utilities, was amended and Ordinance No. 3482 was adopted on March 6, 1989, any definitions or specifications for all backflow preventers and types of protection in compliance with sections 7583 through 7605, California Code of regulations, Title 17;

WHEREAS, in compliance with Health and Safety Code Section 116407, the SWRCB adopted the Cross-Connection Control Policy Handbook (CCCPH) on December 19, 2023, which will take effect on July 1, 2024. The CCCPH will replace the existing cross-connection control and backflow prevention regulations currently in title 17;

WHEREAS, the City desires to adopt to the CCCPH, as adopted by the SWRCB and comply with the effective date on July 1, 2024; and

WHEREAS, on May 20, 2024, the City Council held a duly noticed public hearing and at that time considered all provisions of this Ordinance and oral and written testimony.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Pomona as follows:

SECTION 1. The recitals above are true and correct and are in incorporated hereby this reference.

SECTION 2. California Environmental Quality Act (CEQA). This action is not subject to CEQA under Section 15378(b)(2) and (b)(5) of Title 14 of the California Code of Regulations as the State has mandated the adoption of the State Water Resources Control Board Cross-Connection Control Policy Handbook, and the “Cross-Connection Control Plan.” As such this Ordinance is an administrative activities that will not result in a direct or indirect physical change in the environment is therefore not CEQA project.

SECTION 3. Pomona City Code, Chapter 62, Utilities, Section 200, Backflow Devices, is hereby amended as follows (Additions shown in Underline deletion shown in Strikeout):

“Sec. 62.200 Backflow Prevention Devices.

(a) In compliance with state law, the City Council adopts the California “State Water Resources Control Board Cross-Connection Control Policy Handbook” by this reference as it may be amended from time to time for city regulation of backflow prevention and cross-connection control. The City Council authorizes the City Manager to adopt, implement and amend a “Cross-Connection Control Plan” to comply with the State Water Resources Control Board Cross-Connection Control Policy Handbook.

(b) No water service connections to any premises shall be installed or maintained unless the water supply is protected as required by the California State Water Resources Control Board Cross-Connection Control Policy Handbook and the Cross-Connection Control Plan-CCR title 17, div. 1, ch. 5, subch. 1, grp. 4, arts. 1 and 2 (17 CCR 7583 et seq.).

(c) *Reserved.* ~~The type of protection that shall be provided to prevent backflow shall be commensurate with the degree of hazard that exists on a property owner or lessor of such premises, as determined by utility services department personnel.~~

(d) If an approved backflow prevention assembly is required for the safety of the water system, the utility services water resources department ~~manager~~ director shall give notice to the customer in writing. The customer shall install such approved assembly at the customer's own expense, within 30 days after receipt of the letter. Failure, refusal, or inability of the customer to install, have tested and maintain such assembly shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

(e) Customers' systems shall be open for inspection at all reasonable times to authorized representatives of the utility services water resources department to determine whether cross connections or other structural or sanitary hazards, including violations of this section, exist.

(f) It shall be the duty of the customer at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made annually. When the utility services water resources department deems the hazard to be great enough, certified inspections and tests shall be required at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by a certified tester approved by the Los Angeles county health department. The customer shall notify the utility services water resources department in advance when the tests are to be undertaken so that an official representative may witness the tests if so desired. Tests results shall be sent to the city the utility services water resources department to be kept on file. These assemblies shall be repaired, overhauled or replaced at the expense of the customer whenever such assemblies are found to be defective. The utility services water resources department may also conduct its own inspections in accordance with the California State Water Resources Control Board Cross-Connection Control Policy Handbook and the Cross-Connection Control Plan CCR title 17.

(g) Tests of backflow prevention devices shall also be required immediately after installation, relocation, or repair. The service shall not be placed in service until it is functioning as required. Whenever an approved backflow assembly is moved or undergoes more than minimum maintenance, the ~~utility services~~ water resources department shall be notified and the assembly tested and the test results sent to the city in accordance with this section.

(h) Refusal to eliminate a cross connection where high health hazards exist will result in discontinuance of water service until such time as the cross connection is remedied.”

SECTION 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

SECTION 5. The City Clerk shall certify to the passage of this Ordinance, and shall cause same to be posted as required by law, and this Ordinance shall take effect thirty (30) days after adoption.

PASSED, APPROVED AND ADOPTED this 3rd day of June, 2024.

CITY OF POMONA:

Tim Sandoval
Mayor

APPROVED AS TO FORM:

ATTEST:

Sonia Carvalho
City Attorney

Rosalia A. Butler, MMC
City Clerk

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, ROSALIA A. BUTLER, MMC, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced for first reading at a regular meeting of the City Council of the City of Pomona held on May 20, 2024 and was adopted at second reading at a regular meeting of the City Council of the City of Pomona held on June 3, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rosalia A. Butler, MMC
City Clerk